



Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Board of Education
Virginia Administrative Code (VAC) citation	<u>8VAC 20-131-350</u>
Regulation title	<u>Regulations Establishing Standards for Accrediting Public Schools in Virginia</u>
Action title	This regulatory change, which is proposed in response to legislation enacted by the 2010 General Assembly, will permit the Virginia Board of Education to waive certain requirements for graduation.
Final agency action date	Expected January 13, 2011
Document preparation date	November 1, 2010

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The proposed amendments are needed to address legislation enacted by the 2010 General Assembly. [House Bill 1199](#) requires the Board of Education to provide for the waiver of certain graduation requirements to be granted only for good cause and on a case-by-case basis. The legislation states that the Board of Education shall: “...Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at the request of a local school board. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.”

The Virginia Board of Education [Regulations Establishing Standards for Accrediting Public Schools in Virginia](#), outline student achievement expectations and graduation requirements for public school students as well as the standards under which all public schools will receive accreditation ratings. One section of these regulations ([8 VAC 20-131-350](#)) provides for waivers as follows: “Waivers of some of the requirements of these regulations may be granted by the Board of Education based on submission of a request from the division superintendent and chairman of the local school board. The request shall include documentation of the need for the waiver. In no event shall waivers be granted to the requirements of Part III (8 VAC 20-131-30 et seq.) of these regulations.” The wavier provision in the [Regulations Establishing Standards for Accrediting Public Schools in Virginia](#) would be amended to address the requirements of [House Bill 1199](#).

This proposed regulatory change would amend [8 VAC 20-131-350](#) by adding a provision that would permit the Board to develop and implement guidelines under which local school boards could request a waiver of some of the graduation requirements outlined in the regulation for individual students under certain conditions.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

At the meeting of the Board of Education on November 18, 2010, the Board is expected to accept for first review proposed revisions to the [Regulations Establishing Standards for Accrediting Public Schools in Virginia](#) 8VAC 20-131-10 et seq. to address [House Bill 1199](#). Final action will be taken by the Board of Education on January 13, 2011, at which time it is anticipated that the Board will direct the Department of Education to proceed with the final stages of the regulatory process.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

The proposed amendment does not negatively impact the institution of the family or the stability of families. The amendment is intended to address a legislative mandate that would provide relief from certain graduation requirements to those students with extenuating circumstances, as determined by the Board of Education.